UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,988	09/18/2006	Philips Steven Newton	NL 040286	3013

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER
MCADAMS, BRAD

ART UNIT	PAPER NUMBER
2456	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>02 July 2008</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-10</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-10</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>02 July 2008</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

        1.☒ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This Office Action is in response to the amendment filed on 02 July 2008.

2.   Claims 1-10 are pending.

Response to Amendment

3.   Applicant's arguments with respect to **Claims 1-10** have been considered but are

moot in view of the new ground(s) of rejection.

4.   Examiners objection to the drawings and 35 U.S.C 101 rejection in regards to

Claims 6 and 9 have been withdrawn.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

6.   **Claims 1-10** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Yanosy (U.S. Pub. No. 2004/0204073 A1) in view of *Johnson et al* (U.S. Pub No.

2002/0161934 A1).

        As to **Claims 1 and 6-8,** *Yanosy* discloses a method of providing data storage for

a user device **(Mobile device 10; Figure 1)** comprising providing an application

interface **(Virtual Operating System 104; Figure 2)** which enables access to a virtual

local storage by an application running on the user device **(Application 103; Figure 2)**

by processing a request from the application to store auxiliary data associated with the

application in the virtual local storage, and, when a storage request is received, having

the auxiliary data stored on the remote server via the network **(Application 103 makes**

a request to store auxiliary data (Step 1001, Figure 11; Paragraph 0030). VOS 104

receives a request from Application 103 for Shareable Resources 122 or "virtual

storage" and enables said virtual resources on the mobile device for storage of

said data (Step 1002-1004, Figure 11; Paragraphs 0031-0034).

However, *Yanosy* does not expressly disclose initiating a socket connection

between a user device and a remote server.

Johnson, in the same field of endeavor, teaches **using socket connections**

between a user device, Host Systems, and a remote server, Server connected to

Storage Devices. Paragraphs 0056-0057).

At the time of invention, it would have been obvious to a person of ordinary skill

in the art to combine creating socket connections between the user device and server

as taught by *Johnson* with the data storage system of *Yanosy*. The motivation would

have been to provide communications between the server and client on an IP based

network.

As to **Claims 2 and 5,** *Yanosy-Johnson* further discloses wherein having the

auxiliary data stored includes storing a user identification **(Paragraph 0030).**

As to **Claims 4 and 9,** *Yanosy* discloses a method of storing auxiliary data from at least one user on a remote server that is connectable to a user device via a network for providing storage for the user device comprising initiating a connection by a storage application in the user device in response to a request for access to a virtual local storage by an application running on the user device to store auxiliary data associated with the application in the virtual local storage, receiving, via the network, requests for storing auxiliary data from the application running in the user device, and when a storage request is received, storing the auxiliary data on the remote server **(Application 103 makes a request to store auxiliary data (Step 1001, Figure 11; Paragraph 0030). VOS 104 receives a request from Application 103 for Shareable Resources 122 or "virtual storage" and enables said virtual resources on the mobile device for storage of said data (Step 1002-1004, Figure 11; Paragraphs 0031-0034)**.

However, *Yanosy* does not expressly disclose the connection between the storage application and a remote server being a socket connection.

Johnson, in the same field of endeavor, teaches **using socket connections between an application programming interface in a user device, and a remote server. Paragraphs 0044 and 0056-0057).**

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine creating socket connections between the user device and server as taught by *Johnson* with the data storage system of *Yanosy*.   The motivation would

have been to provide communications between the server and client on an IP based
network.

As to **Claim 10,** *Yanosy-Johnson* further discloses computer program
instructions that are executable by the processor to generate and transmit at least one
stream of real-time information **(Figure 2; Paragraph 0024)**.

<div align="center">

Conclusion

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7.   Applicant's amendment necessitated the new ground(s) of rejection presented in
this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP
§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37
CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE
MONTHS from the mailing date of this action. In the event a first reply is filed within
TWO MONTHS of the mailing date of this final action and the advisory action is not
mailed until after the end of the THREE-MONTH shortened statutory period, then the
shortened statutory period will expire on the date the advisory action is mailed, and any
extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of
the advisory action. In no event, however, will the statutory period for reply expire later
than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to ROBERT B. MCADAMS whose telephone number is

(571)270-3309. The examiner can normally be reached on Monday-Thursday 6:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. B. M./
Examiner, Art Unit 2456

/Bunjob Jaroenchonwanit/
Supervisory Patent Examiner, Art Unit 2456